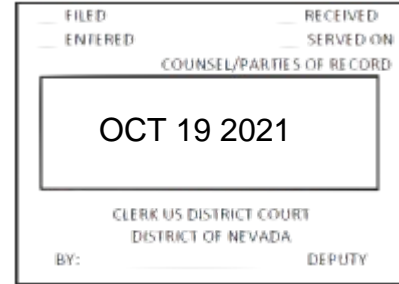




SEALED

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Attorneys for the United States

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$37,050.00 IN UNITED STATES
CURRENCY,

Defendant.

2:21-cv-01937-RFB-BNW

**The United States of America's
Unopposed Motion to Extend the Time
to File a Civil Complaint for Forfeiture in
Rem of the Property
(First Request)**

The United States of America requests that this Court extend the time for the United States to file a civil complaint for forfeiture in rem of \$37,050.00 in United States Currency (Property) for 180 days, to and including April 25, 2022. The property was seized on or around May 5, 2021 from putative Claimant Juan Manuel Galindo-Murrillo during a criminal investigation. This is the first request.

This Motion is made pursuant to 18 U.S.C. § 983(a)(3)(A) and Local Rule LR IA 6-1. The grounds for this Motion are: (1) the United States and putative Claimant are engaged in plea negotiations; (2) if a plea agreement is reached, the parties believe that there is a reasonable likelihood that this civil in rem forfeiture matter would be resolved as part of a global plea agreement; (3) the parties agree that an extension of the filing deadline for this civil in rem forfeiture matter would provide the parties a fair opportunity to engage in plea negotiations for any such global plea agreement; and (4) tolling the time with respect to all filings stand to save the parties and the Court substantial time and resources.

1 Counsel for the United States and counsel for putative Claimant have discussed this matter,
2 and the parties are in agreement that the Court's granting of this Motion would facilitate
3 ongoing criminal negotiations involving both criminal liability and forfeiture. The current
4 deadline for filing a civil complaint for forfeiture in rem of the Property is on or about
5 October 27, 2021.

6 The grounds for this Motion, which are good cause (ongoing negotiations for a
7 global resolution) and agreement of the parties, justify extending the period of time for
8 filing a civil complaint for forfeiture in rem under 18 U.S.C. § 983(a)(3)(A).

9 This Motion is supported by the following Memorandum of Points and Authorities.

10 Dated this 19th day of October 2021.

11 Respectfully submitted,

12 CHRISTOPHER CHIOU
13 Acting United States Attorney

14 /s/ James A. Blum
15 JAMES A. BLUM
16 Assistant United States Attorney
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MEMORANDUM OF POINTS AND AUTHORITIES

I. Statement of Facts

On or about May 5, 2021, \$37,050 in United States currency was seized during a criminal investigation from putative Claimant in Clark County, Nevada.

The \$37,050 was subject to administrative summary forfeiture proceedings; however, putative Claimant filed an administrative claim on or about July 29, 2021, for the property. The government and putative Claimant are engaged in plea negotiations, regarding both criminal liability and forfeiture.

II. Argument

This Court should grant this application for an extension of time to file a civil complaint for forfeiture in rem of the \$37,050 because putative Claimant has agreed to such an extension. *See* LR IA 6-1; 18 U.S.C. § 983(a)(3)(A).

[T]he Government shall file a complaint for forfeiture in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims . . . , a court in the district in which a complaint will be filed may extend the period for filing a complaint for good cause shown or upon agreement of the parties.”

18 U.S.C. § 983(a)(3)(A) (brackets and ellipsis added).

The filing of a civil complaint for forfeiture in rem, pursuant to 18 U.S.C. § 983, starts a civil forfeiture in rem action that is new and is separate from a criminal prosecution. A district court has the authority under 18 U.S.C. § 983(a)(3)(A) to extend the period of time to file a civil complaint for forfeiture in rem based on the agreement of the parties. Doing otherwise could cause interference with the plea-negotiation process or the criminal prosecution.

On October 18, 2021, putative Claimant’s counsel in the criminal case, John Turco, agreed to the extension of time. Because the parties have agreed that the United States should be allowed an extension of time to file its civil complaint for forfeiture in rem, the government asks this Court to grant its Motion pursuant to 18 U.S.C. § 983(a)(3)(A).

This Application is not submitted solely for the purpose of delay or for any other improper purpose.

1 **III. Conclusion**

2 The United States has filed this Motion simultaneously with a Motion for an Order
3 to Seal and Stay the civil matter.

4 This Court should grant an extension of time to and including April 25, 2022 for the
5 United States to file a civil complaint for forfeiture in rem of the \$37,050 because the
6 parties have agreed to the extension and the request for the extension is supported by good
7 cause. Further, this Court should toll the time for purposes of constitutional theories of
8 relief (such as Due Process), the statute of limitations, and equitable theories of relief (such
9 as laches).

10 Dated this 19th day of October 2021.

11 Respectfully submitted,

12 CHRISTOPHER CHIOU
13 Acting United States Attorney

14 /s/ James A. Blum
15 JAMES A. BLUM
16 Assistant United States Attorney

17
18 IT IS SO ORDERED:

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21 _____
22 RICHARD F. BOULWARE, II
23 UNITED STATES DISTRICT JUDGE

24 DATED: November 27, 2021
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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
James A. Blum, 501 Las Vegas Boulevard South, Suite 1100,
Las Vegas, Nevada 89101, 702-388-6336

DEFENDANTS

\$37,050.00 in United States Currency

County of Residence of First Listed Defendant Clark
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
			IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C 1345ff

Brief description of cause:

Drug related forfeiture.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

10/19/2021

SIGNATURE OF ATTORNEY OF RECORD

/s/ James A. Blum

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE